

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, MARCH 1, 1993  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 2:03 p.m. Council Member McCarty thanked City Manager Jack McGrory for his speech to the leaders of the 7th District Community Leadership Summit. Mayor Golding adjourned the meeting at 4:58 p.m. to meet in Closed Session on Tuesday, March 2, 1993, at 9:00 a.m., in the 12th floor Conference Room, to discuss pending litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present
- Clerk-Abdelnour (rb)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present

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- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Pastor Bart Coffey, First Assembly  
of God of Clairemont.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Vargas.

FILE LOCATION: MINUTES

PUBLIC COMMENT:

ITEM-PC-1:

Comments by Don Stillwell regarding public education.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A035-058.)

ITEM-PC-2:

Comments by B. Allen Ross regarding City lease.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A059-088.)

ITEM-PC-3:

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Comments by James Arts regarding Nobel Recreation Center and Athletic Area Project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A089-114.)

COUNCIL COMMENT:

None.

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

02/15/93 Adjourned

02/16/93 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A118-121.)

MOTION BY McCARTY TO APPROVE. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-31: GRANTED HEARING

Matter of the request of Vincent Whelan of the Diocese of San Diego, by Paul E. Robinson, Attorney, for a hearing of an appeal from the decision of the Planning Commission in denying a Conditional Use Permit CUP-92-0315 to amend Conditional Use Permit CUP-4655 to allow the conversion of an existing 80,000-square-foot chapel and convent, to use as a Pastoral Center for the Roman Catholic Diocese of San Diego, and the expansion of parking facilities and landscaping on a 6.2-acre parcel. The existing facility is located at 3888 Paducah Drive and is described as Villa Marina Unit No. 1, Lots 1-11, Map-4950. The R1-5000 zoned site is within the Clairemont Community Plan Area. (CUP-92-0315. District-6.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: PERM - CUP-92-0315

COUNCIL ACTION: (Tape location: A124-159.)

MOTION BY STALLINGS TO GRANT THE REQUEST FOR HEARING OF THE APPEAL ON THE BASIS THAT THE PROJECT PRESENTS A CITY-WIDE PLANNING ISSUE ON WHICH THE GUIDANCE OF THE CITY COUNCIL IS REQUIRED AND THE MATTER IS OF CITY-WIDE SIGNIFICANCE.

Second by Hartley. Passed by the following vote:  
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-50: (O-93-117) INTRODUCED, TO BE ADOPTED MARCH 15, 1993

Introduction of an Ordinance authorizing the execution of a joint use agreement with the San Diego Unified School District in connection with the construction, maintenance and operation of parking facilities at Hage Elementary School.

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego is currently in the process of development of Westview (Hage) Neighborhood Park in the Mira Mesa Community Planning Area. Hage Elementary School is located adjacent to the Park. The proposed lease agreement would expand the area available for development of the Neighborhood Park by approximately .53 of an acre. The lease would allow for additional parking for school facilities during operation, and for Neighborhood Park patrons after school hours and on weekends. The agreement stipulates that the improvements will be constructed and maintained by the City over the course of the lease.

NOTE: 6 votes required. Pursuant to Section 99 of the City Charter. A noticed hearing is required for adoption of the ordinance. The hearing has been scheduled on Monday, March 15, 1993 at 2:00 p.m.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO INTRODUCE. Second by Wolfsheimer. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,  
Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor  
Golding-yea.

ITEM-100: (R-93-851) ADOPTED AS RESOLUTION R-281523

Awarding contracts to Walton Products, Inc. and  
Wisconsin Trailer Co., Inc. for the purchase of  
Equipment Hauling Trailers for a total cost of  
\$103,206.19; authorizing the expenditure of not to  
exceed \$103,206.19 from Fund Nos. 50031 and 50033,  
Department Nos. 8201 and 8203, Object Account No. 6013,  
Job Order Nos. 88092 and 88072; authorizing the Auditor  
and Comptroller to transfer excess budgeted funds, if  
any, to the appropriate reserves.  
(BID-B3436/93)

Aud. Cert. 9300724.

FILE LOCATION: CONT - PURCHASE - Walton Products, Inc.  
and Wisconsin Trailer Co., Inc.  
CONT FY93-2

COUNCIL ACTION: (Tape location: A213-269.)

MOTION BY ROBERTS TO ADOPT. Second by McCarty. Passed by  
the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-101:

Three actions relative to the South Metro Interceptor  
Initial Repair Project:  
(Centre City Community Area. District-2.)

Subitem-A: (R-93-1107) ADOPTED AS RESOLUTION R-281524

Inviting bids for the South Metro Interceptor Initial  
Repair Project on Work Order No. 172751; authorizing  
the execution of a contract with the lowest responsible  
bidder; authorizing the execution of Amendment No. 2 to  
the agreement with Sverdrup Corporation, for  
construction management services, at a cost not to  
exceed \$80,000; authorizing the expenditure of an  
amount not to exceed \$1,106,000, from Metropolitan

Sewer Utility Fund 41508, CIP-45-911.0, for providing funds for said project and related projects.  
(BID-K3639/93)

Subitem-B: (R-93-1108) ADOPTED AS RESOLUTION R-281525

Certifying that the information contained in DEP-92-0609 and DEP-93-0065, in connection with South Metro Interceptor Initial Repair Project, have been completed in compliance with the California Environmental Quality Act and State guidelines, and that said Negative Declaration and Addendum reflect the independent judgement of the City of San Diego as Lead Agency, and that the Negative Declaration and the Addendum have been reviewed and considered by the Council prior to approving the project.

Subitem-C: (R-93-1109) ADOPTED AS RESOLUTION R-281526

Authorizing the use of City Forces to do additional minor construction services related to the South Metro Interceptor Initial Repair Project; declaring that the cost of the work shall not exceed \$10,000.

CITY MANAGER SUPPORTING INFORMATION: This initial project will repair a 120-foot portion of the existing South Metro Interceptor (SMI) which is severely corroded. Thirty years ago most of the 2-mile long SMI was constructed without an interior PVC plastic liner. Since the pipeline's completion in 1963, several unlined interior sections of the 102-inch and 108-inch diameter pipe have deteriorated from chronic hydrogen sulfide corrosion. Rehabilitation is needed to protect the complete structure from further decay and extend its useful life. Should a failure occur, the volume of flow would be of such a large magnitude that a sewage spill or backup could not be diverted or handled easily. Although this project was originally scheduled for June 1993, it has been moved up due to design being completed ahead of schedule. Also, concerns have been raised by the County because the site is less than 100 feet from the County Administration Center. This critical 120-foot section should be given a high priority for repair to avert any catastrophic consequences; the rehabilitation of the remaining portion of the SMI is contained in future CIP budgets.

Amendment No. 2 to the agreement with Sverdrup Corporation will provide the necessary construction management services for this project.

Aud. Cert. 9300732.

WU-CWP-93-070.

FILE LOCATION: W.O. 172751 CONT - Advanco Constructors CONT  
FY93-2

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-102: (R-93-1106) ADOPTED AS RESOLUTION R-281527

Rejecting all bids received on September 10, 1992 and  
re-advertising for bids for the construction of Sea  
World Sewer Expansion Influent Sewer Replacement for  
Pump Station No. 43 on Work Order No. 172681;  
authorizing the execution of a contract with the lowest  
responsible bidder; authorizing the additional  
expenditure of \$95,547 from Sewer Revenue Fund 41506,  
CIP-44-001.0, Annual Allocation - Sewer Main  
Replacements to supplement Resolution R-280098, for  
said project and related costs.  
(BID-K3480/93A).  
(Mission Bay Park Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The Influent Sewer  
Replacement for Pump Station No. 43 was advertised on October 22,  
1992, and bids were opened for this project on November 18, 1992.  
Twenty-four bid packages were issued and six prime contractors  
submitted bids for this project. Bids ranged from a low of  
\$384,925 to a high of \$674,337.50. The apparent low bid of  
\$384,925, submitted by Southern California Underground Inc.,  
failed to demonstrate good faith efforts in soliciting and  
engaging the participation of minority and women business  
enterprises (MBE/WBE) as subcontractors and/or suppliers. In  
addition, upon review of the bids, staff concluded that the  
engineer's unit prices for sewer pipe (with casing) were much  
lower than the contractor's and that additional funds would be  
necessary since re-advertisement would not result in lower bids.  
Therefore, the City Manager recommends rejection of all bids,  
allocation of additional funds, and re-advertising.  
Aud. Cert. 9300731.  
WU-P-93-072.

FILE LOCATION: W.O. 172681 CONT - Orion Construction  
Corporation CONT FY93-1

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-103:

Two actions relative to the final subdivision map of  
View Pointe Court, an 8-lot subdivision located on the  
north side of Bernardo Heights Parkway, between Avenida  
Venusto and Paseo Lucido:  
(Rancho Bernardo Community Area. District-5.)

Subitem-A: (R-93-1302) ADOPTED AS RESOLUTION R-281528

Authorizing the execution of a Subdivision Improvement  
Agreement with 3HJC Partners, for the installation and  
completion of public improvements.

Subitem-B: (R-93-1301) ADOPTED AS RESOLUTION R-281529

Approving the final map.

FILE LOCATION: SUBD - View Pointe Court CONT FY93-1

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-104:

Two actions relative to the Sabre Springs Facilities  
Benefit Assessment:  
(See City Manager Report CMR-93-26. District-5.)

Subitem-A: (R-93-1202) ADOPTED AS RESOLUTION R-281530

Approving the document entitled "Sabre Springs Public  
Facilities Financing Plan and Facilities Benefit  
Assessment, January, 1993."



Subitem-B: (R-93-1203) ADOPTED AS RESOLUTION R-281531

Resolution of Intention to designate an area of benefit  
in Sabre Springs and setting the time and place for  
holding a public hearing.

COMMITTEE ACTION: Reviewed by TLU on 2/3/93.

Recommendation to approve and forward the draft Sabre  
Springs Facilities Benefit Assessment (FBA) to the full City  
Council for adoption. Districts 1, 2, 6 and 7 voted yea.  
District 5 not present.

FILE LOCATION: STRT FB-9

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-105:

Two actions relative to the Scripps Miramar Ranch  
Facilities Benefit Assessment:  
(See City Manager Report CMR-93-28. District-5.)

Subitem-A: (R-93-1206) ADOPTED AS RESOLUTION R-281532

Approving the document entitled "Scripps Miramar Ranch  
Public Facilities Financing Plan and Facilities Benefit  
Assessment, January, 1993."

Subitem-B: (R-93-1207) ADOPTED AS RESOLUTION R-281533

Resolution of Intention to designate an area of benefit  
in Scripps Miramar Ranch and setting the time and place  
for holding a public hearing.

COMMITTEE ACTION: Reviewed by TLU on 2/3/93.

Recommendation to approve and forward the Scripps Miramar  
Ranch Facilities Benefit Assessment (FBA) to the full City  
Council.

Districts 1, 2, 6 and 7 voted yea. District 5 not present.

FILE LOCATION: STRT FB-11

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-106:

Three actions relative to the Front Street (Ash Street  
to I-5) Underground Utility District:  
(Centre City Community Area. Districts-2 & 3.)

Subitem-A: (R-93-1199) ADOPTED AS RESOLUTION R-281534

Designating April 30, 1993 as the date upon which all  
property in the Front Street (Ash Street to I-5)  
Underground Utility District must be ready to receive  
underground service and June 1, 1993 as the date for  
the removal of all overhead utility facilities.

Subitem-B: (R-93-1200) ADOPTED AS RESOLUTION R-281535

Authorizing the City Auditor and Comptroller to open  
Fund No. 78060 for the purpose of depositing Public  
Utilities Commission Case 8209 Utility Undergrounding  
Allocation Funds for the Front Street (Ash Street to  
I-5) Underground Utility District;  
authorizing payment to all property owners in the Front  
Street (Ash Street to I-5) Underground Utility District  
as reimbursement for electrical service underground  
conversion work done on private property whenever the  
required length of trenching exceeds one foot;  
authorizing the City Auditor and Comptroller to return  
to San Diego Gas and Electric Company any undisbursed  
funds upon written notice that all electric service  
conversions within a particular district have been  
completed.

Subitem-C: (R-93-1201) ADOPTED AS RESOLUTION R-281536

Authorizing the expenditure of not to exceed \$35,000  
from Capital Outlay Fund 30245, CIP-37-028, Annual  
Allocation, Undergrounding of City Utilities, for the  
purpose of administering the Front Street (Ash Street  
to I-5) Underground Utility District, minor City force  
work and installation of three new street lights to  
replace existing pole mounted street lights.

CITY MANAGER SUPPORTING INFORMATION: The Front Street (Ash

Street to I-5) Underground Utility District was created by the City Council on July 18, 1989. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set April 30, 1993 as the Customer Ready Date, which will require that, upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish June 1, 1993 as the Pole Removal Date, which will require that, upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench. The property owner remains responsible for all remaining conversion costs.  
Aud. Cert. 9300678.

FILE LOCATION: STRT K-187

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-107:

Three actions relative to the Garnet Avenue (Soledad Mountain Road to I-5) Underground Utility District:  
(Pacific Beach Community Area. District-6.)

Subitem-A: (R-93-1183) ADOPTED AS RESOLUTION R-281537

Designating April 30, 1993 as the date upon which all property in the Garnet Avenue (Soledad Mountain Road to I-5) Underground Utility District must be ready to receive underground service and June 30, 1993 as the date for the removal of all overhead utility facilities.

Subitem-B: (R-93-1184) ADOPTED AS RESOLUTION R-281538

Authorizing the City Auditor and Comptroller to open Fund No. 78059 for the purpose of depositing Public

Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Garnet Avenue (Soledad Mountain Road to I-5) Underground Utility District; authorizing payment to all property owners in the Garnet Avenue (Soledad Mountain Road to I-5) Underground Utility District as reimbursement for electrical service underground conversion work done on private property whenever the required length of trenching exceeds one foot; authorizing the City Auditor and Comptroller to return to San Diego Gas and Electric Company any undisbursed funds upon written notice that all electric service conversions within a particular district have been completed.

Subitem-C: (R-93-1185) ADOPTED AS RESOLUTION R-281539

Authorizing the expenditure of not to exceed \$44,318 from Capital Outlay Fund 30245, CIP-37-028, Annual Allocation, Undergrounding of City Utilities, as payment to SDG&E, for the installation of seven new street lights to replace existing pole mounted street lights.

CITY MANAGER SUPPORTING INFORMATION: The Garnet Avenue (Soledad Mountain Road to I-5) Underground Utility District was created by the City Council on March 20, 1990. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set April 30, 1993 as the Customer Ready Date, which will require that, upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish June 30, 1993 as the Pole Removal Date, which will require that, upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench. The property owner remains responsible for all remaining conversion costs.  
Aud. Cert. 9300679.

FILE LOCATION: STRT K-192

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-108:

Two actions relative to the Gaslamp Quarter Underground Utility District:  
(Centre City Community Area. District-2.)

Subitem-A: (R-93-1181) ADOPTED AS RESOLUTION R-281540

Designating June 1, 1993 as the date upon which all property in the Gaslamp Quarter Underground Utility District must be ready to receive underground service and December 31, 1993 as the date for the removal of all overhead utility facilities.

Subitem-B: (R-93-1182) ADOPTED AS RESOLUTION R-281541

Authorizing the City Auditor and Comptroller to open Fund No. 78048 for the purpose of depositing Public Utilities Commission Case 8209 Utility Undergrounding Allocation Funds for the Gaslamp Quarter Underground Utility District; authorizing payment to all property owners in the Gaslamp Quarter Underground Utility District as reimbursement for electrical service underground conversion work done on private property whenever the required length of trenching exceeds one foot; authorizing the City Auditor and Comptroller to return to San Diego Gas and Electric Company any undisbursed funds upon written notice that all electric service conversions within a particular district have been completed.

CITY MANAGER SUPPORTING INFORMATION: The Gaslamp Quarter Underground Utility District was created by the City Council on March 18, 1980. The resolution creating the district left the matter of the actual dates for converting services and removing overhead facilities to be established later. This action will set June 1, 1993 as the Customer Ready Date, which will require that, upon this date, all affected customers within the underground utility district must have their services prepared to receive service from the new underground system. This action will also establish December 31, 1993 as the Pole Removal Date, which will require that, upon this date, all overhead facilities within the underground utility district must be removed. The utility companies concur with these proposed dates. Council

Policy 800-2 provides for the use of California Public Utilities Commission Case 8209 funds to assist in financing the conversion of private electric service laterals in all underground utility districts. Funding consists of a lump-sum reimbursement based upon the length of the electrical service trench. The property owner remains responsible for all remaining conversion costs.

FILE LOCATION: STRT K-116

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-109: (R-93-1320) ADOPTED AS RESOLUTION R-281542

Resolution of Intention to vacate Dewey Street, between Main Street and Newton Avenue, the alley in Block 96 of Map-209 and Map-379, and the alley adjacent to Lots 20-30, Block 95, of Map-209, and fixing a time and place for a hearing.  
(Barrio Logan/Harbor 101 Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: This action requests a Resolution of Intention only, to establish a time and date for a public hearing, for the street vacations. A noticed hearing will be held at a later date for the street actions and the related Mercado Apartments project. The project is a multi-phase, transit-oriented development, sponsored by the City of San Diego Redevelopment Agency. It will provide low-income housing, an adjoining commercial area, and expansion of Chicano Park in the Barrio Logan area. These street actions are a part of the first phase and will be integrated with the residential area and the park expansion. The portion of Dewey Street to be vacated is fully improved with curb, gutter, sidewalk, and asphalt paving and is utilized for local traffic and circulation. However, the vacation of Dewey Street would not detrimentally affect traffic circulation in the area since Crosby Street, to the north, and Evans Street, to the south, are capable of accommodating the displaced traffic volumes. Because Dewey Street is used for Fire Department access to an existing building, adequate fire access must be maintained until the building is demolished as part of this project. The alley in Block 96 is unimproved and is not needed for access or circulation. The alley in Block 95 is improved with asphalt paving and serves as secondary access to the adjacent properties. Because the proposed vacation would

terminate the alley in Block 95 at mid-block, an interim alternate access must be provided, as a condition of the vacation, in order to retain through access for the commercial truck traffic which currently uses the alley. Upon redevelopment of the remainder of Block 95 for the commercial area, as proposed at a later date, the entire alley, including the alternate access, would no longer be needed and could be vacated. Both Dewey Street and the alleys proposed for vacation contain public utilities and franchise facilities which must be relocated or for which easements must be reserved. Curb, gutter, and sidewalk is to be constructed across the openings on May, Newton, and Evans Streets as a condition of the vacations. Although the vacated areas will provide additional development entitlements for the site, all development will be controlled by the related development permits. The Planning Department has no objection to the proposed vacations, and there is no recognized community group in this area. A Planning Commission hearing for the vacation and related project is scheduled for February 25. However, due to time constraints mandated by funding-related issues, their recommendation is unavailable.

FILE LOCATION: DEED F-5983; STRT J-2789 DEED FY93-1

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-110: (R-93-1276) ADOPTED AS RESOLUTION R-281543

Approving the acceptance by the City Manager of a grant deed of the Roman Catholic Bishop of San Diego, granting to the City an easement for public street purposes in a portion of Lot 8 of Aloha Tract, Map-611; dedicating said land as and for a public street, and naming the same Saturn Boulevard.  
(Otay Mesa-Nestor Community Area. District-2.)

FILE LOCATION: DEED F-5984 DEED FY93-1

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-111:

Two actions relative to Alley Dedication - Rear of  
4066-4082 Promontory Street:  
(Pacific Beach Community Area. District-2.)

Subitem-A: (R-93-1283) ADOPTED AS RESOLUTION R-281544

Approving the acceptance by the City Manager of a grant deed of Paul Tom Sparrow and Susanne I. Sparrow, granting to the City an easement for a public alley in Lots 38 through 42 inclusive, Block 2 of Second Fortuna Park Addition, Map-895; dedicating said land as and for a public alley.

Subitem-B: (R-93-1284) ADOPTED AS RESOLUTION R-281545

Stating for the record that Negative Declaration DEP-90-0707, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council.

FILE LOCATION: DEED F-5985 DEED FY93-1

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-112: (R-93-1282) ADOPTED AS RESOLUTION R-281546

Vacating the City's interest in an unneeded open space easement affecting Lot 100-A of La Jolla Soledad West Unit No. 1, Map-7259 and Lot 171-A of La Jolla Soledad West Unit No. 2, Map-7268.  
(La Jolla Community Area. District-1.)

FILE LOCATION: DEED F-5986 DEED FY93-1



COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-113: (R-93-821) ADOPTED AS RESOLUTION R-281547

Adopting a revised Conflict of Interest Code for the  
City of San Diego's Citizens Equal Opportunity  
Commission.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-114: (R-93-1265) ADOPTED AS RESOLUTION R-281548

Amending the Conflict of Interest Code for the City of  
San Diego's Planning Department.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-115: (R-93-1318) ADOPTED AS RESOLUTION R-281549

Authorizing the City Manager to establish a Pilot  
Public/Private Partnership Program which will focus on  
the Park and Recreation Department, including City  
parks and open space lands;  
Waiving the provisions of Council Policy 000-23 for the  
purposes of implementing the pilot program and to allow

the City Manager to execute the necessary contracts, but stay mindful of the need to avoid perceived improprieties related to sponsorships and the appearance of product endorsement;

Waiving the provisions of Council Policy 100-2 for the purposes of implementing the pilot program and to allow the City Manager to receive donations in excess of the \$500 limit reflected in that policy, but not to exceed \$20,000 without Council approval;

Authorizing the City Manager to execute all contracts necessary regarding public/private partnership projects for the pilot program, said contracts to be funded to the extent of monies donated and received by the Auditor and Comptroller;

Authorizing the City Auditor and Comptroller to establish a special interest bearing fund titled the Public/Private Partnership Program Fund to record all revenues and expenditures of the public/private partnership program;

Authorizing the interest earnings generated by the Public/Private Partnership Program Fund to be retained and added to the Public/Private Partnership Program Fund's revenues;

Authorizing the City Auditor to transfer \$10,000 from the Entrepreneurial Enterprise Program Fund 41600 to the Public/Private Partnership Program Fund for start-up expenses related to the public/private partnership program.

(See City Manager Report CMR-93-37.)

COMMITTEE ACTION: Reviewed by PFR on 2/10/93.

Recommendation to approve the City Manager's recommendation. Districts 3, 6, and 7 voted yea. Districts 4 and 5 not present.

Aud. Cert. 9300755.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-116: (R-93-1287) ADOPTED AS RESOLUTION R-281550

Accepting the generous donation of \$15,000 from the Pepsi-Cola Bottling Company for the purchase of play equipment at the San Ysidro Athletic Area; authorizing the City Auditor and Comptroller to establish the San Ysidro Larsen Field Donation Fund No. 10599 for the receipt of the donation, and to transfer the amount of \$15,000 from Fund No. 10599 to CIP-29-631.0, San Ysidro Athletic Area - Improvements; thanking the Pepsi-Cola Bottling Company for its generous donation.  
(San Ysidro Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: The Pepsi-Cola Bottling Company of San Diego has donated \$15,000 to provide new equipment at the existing small children's play area at the San Ysidro Athletic Area. The park is also called Larsen Field and is located at the south end of Sycamore Road in the San Ysidro Community Planning Area. The donation will be used to pay for new equipment and the materials needed to install it. The work will be part of CIP-29-631.0, San Ysidro Athletic Area - Improvements. Project funds will pay for the design and installation costs.

Aud. Cert. 9300727.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-ineligible.

\* ITEM-117: (R-93-1306) ADOPTED AS RESOLUTION R-281551

Authorizing the Redevelopment Agency to transmit to the County of San Diego \$2,707,570.65 to be deposited in the County Educational Revenue Augmentation Fund as required by State law; the funds to be paid into the County Educational Revenue Augmentation Fund shall come from the following redevelopment projects in the following amounts:

Redevelopment Project	Amount
Centre City	\$1,793,377.09
Horton Plaza	\$738,315.17
Linda Vista	\$9,661.87
Market Street	\$16,985.80
Mount Hope	\$149,230.72

\$2,707,570.65  
(See Redevelopment Agency Report RA-93-19. Centre  
City, Linda Vista and Southeast Community Areas.  
Districts-2,4,5,6,& 8.)

Aud. Cert. 9300737.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-118: (R-93-1311) ADOPTED AS RESOLUTION R-281552

Amending the work program for Aerospace Conversion  
Grant Agreement C91-155 with the State of California;  
extending the term of the grant from March 10, 1993 to  
April 30, 1993; authorizing the City Manager or the  
Deputy Director for Economic Development or their  
designees to execute Grant Agreement C91-155, and other  
documents necessary or required by the Department of  
Commerce for participation in the Economic Development  
Grant and Loan Program.

CITY MANAGER SUPPORTING INFORMATION: In April, 1992, the City  
Council authorized the City Manager to enter into grant  
agreements with the State Department of Commerce (\$55,000) and  
the U.S. Department of Defense (\$100,000) to address the economic  
dislocations being felt locally due to the impact of defense  
budget cutbacks. These grant agreements have since been executed  
and significant progress made in completing the one year grant  
program. In depth interviews have been completed with 55  
defense-related firms and responses have been tabulated.  
Development of a local fiscal analysis and business assistance  
and recruitment strategy is now underway and will be brought  
before the Council in late Spring. During the time the initial  
grant concept was submitted to the State until final State and  
Federal approval, certain circumstances related to the State and  
Federal grant work programs changed. This amendment would  
clarify these changes and bring the State and Federal work  
programs into closer conformance without altering the overall  
grant intent.

FILE LOCATION: MEET CONT FY93-1

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-119:(R-93-1308) ADOPTED AS RESOLUTION R-281553

A Resolution approved by the City Council in Closed  
Session on Tuesday, January 12, 1993 by the following  
vote: Wolfsheimer-yea; Roberts-not present;  
Hartley-yea; Stevens-yea; Behr-yea; Stallings-yea;  
McCarty-yea; District 8-vacant; Mayor-yea.

Authorizing the City Manager to pay the total sum of  
\$35,000 in the settlement of each and every claim  
against the City, its agents and employees, resulting  
from the fatal shooting of Walter Andrew Welch, United  
States District Court Case No. 91-1075K(P), Lizann  
Green, et al. v. City of San Diego; authorizing the  
City Auditor and Comptroller to issue one check in the  
total amount of \$35,000 made payable to Lizann Green,  
Walter Andrew Eric Welch, III, and David C. Siegel,  
Esq., in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the  
complete and final settlement of the Personal Injury Claim of  
Walter Andrew Eric Welch, III, against the City of San Diego as a  
result of the incident of 06/20/90.

Aud. Cert. 9300760.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-120: (R-93-1274) ADOPTED AS RESOLUTION R-281554

Excusing Councilmember Judy McCarty from attending the

regularly scheduled Council meetings of February 8 and 9, 1993, to represent the City at the NARC Conference in Washington, D.C.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-121:

Two actions relative to the Blue Sea Lodge Encroachment Agreement:  
(Mission Beach Community Area. District-2.)

Subitem-A: (R-93-1299) ADOPTED AS RESOLUTION R-281555

Authorizing the execution of an encroachment agreement with Blue Sea Lodge.

Subitem-B: (R-93-1300) ADOPTED AS RESOLUTION R-281556

Stating for the record that Mitigated Negative Declaration DEP-91-0512, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the Declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council; adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required in order to mitigate or avoid significant effects on the environment.

CITY MANAGER SUPPORTING INFORMATION: On January 8, 1992 the Planning Director of the City of San Diego granted Planned Commercial Development Permit PCD-91-0512 to Blue Sea Lodge, limited partnership. Condition No. 25 required that the applicant, prior to the issuance of any building permits, obtain a City Council-approved Encroachment Removal Agreement for the proposed bridges spanning Strand Way, and the underground parking proposed beneath the public right-of-way. San Diego Municipal

Code, Chapter VI, Article 2, Division 3, Section 62.0303 requires City Council authorization for (i) Underground structures which extend into the public right-of-way farther than the ultimate curb line, and (ii) Structures built over the public right-of-way. It is recommended that the Encroachment Agreement be approved.

FILE LOCATION: PERM PCD 91-0512 CONT FY93-1

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-122: (R-93-1286) ADOPTED AS RESOLUTION R-281557

Authorizing the City Manager to enter into an agreement with Susan Kinkade, Plant Recorder, to complete a computerized horticultural inventory of Balboa Park; authorizing the expenditure of an amount not to exceed \$4,429.34 from Balboa Park Fund No. 60250 to provide funds for the agreement; commending the San Diego Urban Corps for its accurate and thorough Horticultural Survey of Balboa Park.

(Balboa Park Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: On July 5, 1990 the City of San Diego received a check for the sum of \$36,060 from the San Diego Community Foundation. The gift was to assist the City and Balboa Park staff in conducting a horticultural survey of Balboa Park. Council Resolution R-276410 authorized the City Manager to engage the services of the San Diego Urban Corps to install an accurate grid system and complete a survey of existing plant materials. The San Diego Urban Corps has completed a very accurate grid system and an exhaustive survey of existing plant materials. This survey currently consists of approximately 3,500 pages of written information. To create a useful reference and planning tool it is desirable to computerize this large volume of information. The San Diego Urban Corps is not able to accomplish this phase of the project. It is the City Manager's recommendation that the remaining \$4,429.34 be used to engage the services of Susan Kinkade, a qualified Plant Recorder, to complete the project. The San Diego Community Foundation supports this recommendation.

Aud. Cert. 9300726.

FILE LOCATION: MEET CONT FY93-1

COUNCIL ACTION: (Tape location: A163-212.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

\* ITEM-123: (R-93-1190) ADOPTED AS RESOLUTION R-281558

Authorizing the execution of an agreement with Otay  
International Center, to allow reimbursement through  
the Otay Mesa sewer capacity surcharge for the  
construction of the Otay Mesa Trunk Sewer Extension.  
(Otay Mesa Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: On March 12, 1984, the  
Otay Mesa sewer capacity surcharge was established per Resolution  
R-260280 for the area to be served by the Otay Mesa Sewer System.  
Monies collected through the surcharge will be applied for  
construction of gravity flow trunk sewers with diameters 18  
inches or larger. The Otay International Center (OIC), State of  
California Department of Corrections (CDC), and Border Business  
Park, Inc. (BBP), constructed a portion of the Otay Mesa Sewer  
System with diameters 18-inches or larger. Pursuant to prior  
agreements with OIC (September 30, 1985, RR-264173), with CDC  
(December 2, 1985, RR-264609), and with BBP (November 16, 1987,  
RR-269731), OIC will first be reimbursed from the surcharges  
collected. After OIC is fully reimbursed, 28.63 percent of the  
surcharges collected will be used to reimburse CDC and 70.87  
percent to reimburse BBP. The BBP agreement also established the  
method of allocation of surcharge monies between BBP and other  
parties financing construction of the gravity trunk sewers in  
Otay Mesa. The BBP agreement further provided the reallocation  
of surcharge monies in proportion to BBP's and other parties'  
construction costs by authorizing the City to amend the BBP  
agreement. OIC has incurred \$357,389.47, subsequently, for  
construction of "Otay Mesa Trunk Sewer Extension" as shown on the  
City Engineer's construction drawing No. 22502-D. The Otay Mesa  
Trunk Sewer consists of approximately 1,305 lineal feet of  
30-inch, and 5,421 lineal feet of 27-inch sewer mains.  
WU-U-92-104.

FILE LOCATION: WATER - Otay International Center  
CONT FY93-1

COUNCIL ACTION: (Tape location: A163-212.)



CONSENT MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-124: (R-93-1275) ADOPTED AS RESOLUTION R-281559

Authorizing the execution of an agreement with San Diego Youth at Risk Foundation, an affiliation of The Breakthrough Foundation, to operate a San Diego based mentor/counseling program for at risk youths in the City Heights area; authorizing the City Auditor and Comptroller to reprogram funds in the amount of \$91,700 from the Community Development Block Grant Fund 18524, Department 5663, Organization 6302 and \$8,300 from the Community Development Block Grant Fund 18565, Department 5883, Organization 8303, for a total of \$100,000 to Fund 18528, Department 4025, Organization 2511 to be expended to operate the San Diego Youth at Risk Foundation's social service program per Resolution R-280665; authorizing the expenditure of an amount not to exceed \$100,000 from Fund 18528, Department 4025, Organization 2511, for the purpose of providing funds for the above project.  
(District-3.)

CITY MANAGER SUPPORTING INFORMATION: On September 15, 1992, the City Council adopted Resolution R-280665 which authorized the City Auditor and Comptroller to transfer \$100,000 between accounts within the Community Development Block Grant Fund for the purpose of entering into a contract with San Diego Youth at Risk Foundation, an affiliation of The Breakthrough Foundation, which is headquartered in San Francisco. San Diego Youth At Risk Foundation, a non profit agency, will provide mentoring/counseling services for 125 youth during the contracted period of one year. This service will consist of an intensive 2 1/2 day counseling session for each of the youth in a group setting, followed by a matching of the youth clientele with adult volunteer mentors who will be paired for one year. During that year the mentors and youth will participate in the Follow Through phase of the San Diego Youth at Risk Program, which will consists of monthly meetings. The contract period in which the 125 youths will be served starts February 1, 1993 and ends January 31, 1994. Aud. Cert. 9300741.

FILE LOCATION: MEET CONT FY93-1

COUNCIL ACTION: (Tape location: A274-469.)

MOTION BY STEVENS TO ADOPT, SUPPORTING THE CITY MANAGER'S RECOMMENDATION TO FUND THE PROGRAM CONDITIONED UPON MEETING THE CRITERIA FOR TRACKING AND EVALUATION WHICH IS TO BE SET UP BY THE CITY COUNCIL. THE CITY MANAGER IS DIRECTED TO PROVIDE CRITERIA TO MEASURE THE EFFECTIVENESS OF THE PROGRAM AND RETURN TO PS&S DURING THE CDBG HEARINGS. AS REQUESTED BY COUNCIL MEMBER HARTLEY, THE CITY MANAGER IS DIRECTED TO MAKE CITY EMPLOYEES AWARE OF THE PROGRAM WITH AN INVITATION FOR PARTICIPATION. Second by Vargas. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-150: (O-93-78 Rev. 2 Corr. Copy) INTRODUCED, TO BE ADOPTED  
MARCH 15, 1993

Introduction of an Ordinance amending Chapter V, Article 2, of the San Diego Municipal Code by adding a new Division 10 entitled "Public Access to Health Care Facilities" and new sections 52.1001 and 52.1002, to protect against impeding access within 100 feet of a health care facility and creating a private right of action for violations ("bubble ordinance").

(See memorandum from Councilmember Filner and Councilmember Stallings dated 12/7/92; City Manager Report CMR-92-312; Report from the City Attorney dated 11/23/92.)

COMMITTEE ACTION: Initiated by PSS on 10/14/92.

Recommendation to approve an ordinance identical to the San Jose ordinance for the City of San Diego, and request the City Attorney draft such an ordinance to be docketed within 30 days before the full City Council. Districts 1, 3, and 8 voted yea. District 4 voted nay. District 2 not present.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A470-D100.)

MOTION BY STALLINGS TO APPROVE THE ORDINANCE RETAINED IN ATTACHMENT 2 OF THE CITY ATTORNEY'S REPORT OF MARCH 1, 1993, WHICH INCLUDES THE LANGUAGE, "HEALTH CARE FACILITIES, PLACES OF WORSHIP OR SCHOOLS." Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-yea,

Vargas-yea, Mayor Golding-yea.

ITEM-200: (R-93-1101) ADOPTED AS RESOLUTION R-281560

(Continued from the meeting of February 8, 1993, Item 102, at Councilmember Behr's request, for further review.)

Inviting bids for the Construction of Carmel Mountain Ranch Community Park Comfort Station on Work Order No. 119651;

authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$8,000 from PSD Fund No. 11110, and \$127,500 from SPF Fund No. 39091, to CIP-29-749.0, Carmel Mountain Ranch Community Park Comfort Station; authorizing the expenditure of \$272,800 from CIP-29-749.0, Carmel Mountain Ranch Community Park Comfort Station, \$145,300 from PSD Fund No. 11110, and \$127,500 from SPF Fund No. 39091, for the purpose of executing this contract and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

(BID-K3595/93)

(Carmel Mountain Ranch Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: The Carmel Mountain Ranch Community Park is located between Interstate 15 and Rancho Carmel Drive, north of North City Parkway. This project will construct a comfort station and concession stand adjacent to the existing sports field. The Recreation Council requested this facility to better serve the needs of the organized leagues and other park users.

Aud. Cert. 9300555.

FILE LOCATION: W.O. 119651 CONT - Woodburn Construction Co.

COUNCIL ACTION: (Tape location: A163-212.)

MOTION BY ROBERTS TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S400: (R-93-1353 Rev.1) ADOPTED AS AMENDED AS

RESOLUTION R-281561

Authorizing the sale by negotiation of City owned Site 787, a 2.88-acre site located at the southeast corner of Aero Drive and Kearny Villa Road, being portions of Lots 9 and 18 of New Riverside for the amount of \$800,000 to Children's Hospital San Diego, subject to the conditions in the Committee Action recommendations; authorizing the execution of a grant deed, granting to Children's Hospital San Diego all that portion of Lots 9 and 18 of New Riverside; determining that no broker's commission shall be paid by the City on the negotiated sale.  
(Kearny Mesa Community Area. District-6.)

COMMITTEE ACTION: Initiated by PFR on 2/24/93.

Recommendation to approve the sale of Site 787, Southeast Corner, Kearny Villa Road and Aero Drive (2.88 acres), for \$800,000 with the following conditions and understanding:

- Children's Hospital will put in the necessary sidewalks at an additional cost of approximately \$18,000.
- Children's requested that they receive development impact fee credit for the sidewalk work.
- Children's agreed to participate in, and not oppose, a future assessment district and agrees to have discussion and agreement with the Manager's office concerning transportation improvements prior to the March 1, 1993, Council hearing.
- Children's agreed to pay escrow and brokerage commission fees.
- Children's agreed to have Council first have a report on the Child Care Facility Permit and allow Council the opportunity to approve the terms of the permit.
- Children's agreed to pursue a Conditional Use Permit if the Child Care Facility Permit is not feasible.
- Children's will fully inform the Kearny Mesa and Serra Mesa Planning Groups of the project's plans and traffic considerations.
- Children's will provide assurances to the City that within three years there will be a child care center on this site.
- Children's will provide 10 percent of the facility space to the public on a first come first served basis.
- The City retains the option to buy back the site if a child care center is discontinued.

Districts 3,5,6,7, and 8 voted yea.

FILE LOCATION: DEED F-5988 DEED FY93-1

COUNCIL ACTION: (Tape location: D105-E080.)

Motion by McCarty to approve the recommendation of the PF&R Committee as distinguished from the City Manager's Recommendation. No second.

MOTION BY McCARTY TO ADOPT THE PF&R RECOMMENDATION AS AMENDED TO INCLUDE THE CITY MANAGER'S RECOMMENDATION THAT \$18,000 FOR THE SIDEWALK IMPROVEMENT AND \$25,000 COME OUT OF THE PURCHASE PRICE (\$43,000) AND SET ASIDE IN A SEPARATE FUND FOR THE ROAD IMPROVEMENT PROJECT. INCLUDE A SUNSET PROVISION THAT IF THE USE OF THE FACILITY IS CHANGED AFTER 15 YEARS, THAT THEY WOULD HAVE TO COME BACK TO THE CITY FOR RE-NEGOTIATION OF THEIR FAIR SHARE OF THE ROAD IMPROVEMENTS. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 4:58 p.m. in honor of the memory of Julie Fisher and Vince Lawford as requested by City Attorney John Witt.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E081-092).